

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 726 CUTTACK, MONDAY, APRIL 30, 2007/BAISAKHA 10, 1929

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 2nd April 2007

No. 2967-II/1(B)-235/1992-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 25th January 2007 in I. D. Case No. 192/1993 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial disputes between the Management of M/s Central Orissa Flour Mills, Nayabazar, Cuttack and its workman Shri Niranjana Sahoo represented through Central Orissa Flour Mills Workers Union, Nayabazar, Cuttack was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 192 of 1993

Dated the 25th January 2007

Present :

Shri S. K. Mohapatra, o.s.j.s. (Jr. Branch),
Presiding Officer, Labour Court,
Bhubaneswar.

Between :

The Management of M/s Central Orissa Flour Mills, Nayabazar Cuttack. .. First Party—Management

And

Its workman .. Second Party—Workman
Shri Niranjana Sahoo

Appearances :

For the First Party—Management .. None

For the Second Party—Workman .. Shri S. B. Mishra, Advocate

AWARD

The Government of Orissa, Labour & Employment Department referred the present dispute between the management of M/s Central Orissa Flour Mills, Nayabazar, Cuttack and its workman Niranjan Sahoo under Notification No. 8007-L.E., dated the 18th July 1985 vide Memo. No. 16205 (5)-L.E., dated the 6th December 1993 for adjudication by this Court.

2. The terms of reference by the State Government is as follows :—

“Whether the action of the management of M/s Central Orissa Flour Mills, Nayabazar, Cuttack in keeping Shri Niranjan Shao, workman under suspension with effect from the 10th September 1990 without any domestic enquiry is legal and/or justified ? If not, to what relief the workman is entitled ?”

3. Shorn of all unnecessary details, the case of the workman is as follows :—

The workman joined the employment of the management in the year 1964 as Roller Helper. The workman was covered under E.S.I. Scheme in the year 1975 and subsequently he was covered under E.P.F. Scheme in the year 1981. Since the workman took active part in the Trade Union activities, the management suddenly framed charge sheet against the workman on the 8th September 1990 and suspended him from work. No document was supplied to the workman with regard to the charge framed against him. The management did not conduct any domestic enquiry into the charges framed against the workman. During the period of suspension, the workman was paid subsistence allowance for a part of the suspension period only and thereafter the management discontinued to give any subsistence allowance to the workman. When the workman demanded for payment of the subsistence allowance at the rate of 75% of wages it was refused and therefore the workman initiated a proceeding before the authority of the Labour Department. The Labour Department initiated conciliation proceeding and when the same failed, the present matter was referred to this Court for adjudication.

4. The management has been set *ex parte*.

5. The workman has examined himself as W.W. 1. In his evidence W.W. 1 has contended that he was working under the management since the year 1964 and that he was placed under suspension on the 10th September 1990. According to W.W. 1, although a copy of the charge sheet was supplied to him, there was no domestic enquiry against him and the management did not allow him to join his work. From the unchallenged evidence of W. W. 1 it is clear that the management has kept him under indefinite suspension without any domestic enquiry which is apparently illegal.

6. It appears that the workman started his work in the year 1964. Even if it is held that at the time of joining of his work the workman was 18 years old by this time the workman must have attained the age of superannuation and therefore instead of passing an order of reinstatement in service, a suitable order for compensation in lieu of reinstatement in service would be just and proper in the facts and circumstances of this case.

7. Hence ordered :

The management is directed to pay a sum of Rs. 50,000 (Rupees fifty thousand) only to the workman in lieu of reinstatement in service and back wages.

The reference is thus answered accordingly *ex parte*.

Dictated and corrected by me.

S. K. MOHAPATRA
25-1-2007
Presiding Officer
Labour Court, Bhubaneswar

S. K. MOHAPATRA
25-1-2007
Presiding Officer
Labour Court, Bhubaneswar

By order of the Governor
N. C. RAY
Under-Secretary to Government